

**UNITED STATES OF AMERICA**  
**JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
 Judge Wm. Terrell Hodges  
 United States District Court  
 Middle District of Florida

05CV889  
 05CV957  
 05CV967  
 05CV1003  
 05CV1277  
 05CV1337

**MEMBERS:**  
 Judge John F. Keenan  
 United States District Court  
 Southern District of New York

Judge D. Lowell Jensen  
 United States District Court  
 Northern District of California

Judge J. Frederick Motz  
 United States District Court  
 District of Maryland

05CV1430  
 05CV1552

Judge Robert L. Miller, Jr.  
 United States District Court  
 Northern District of Indiana

Judge Kathryn H. Vratil  
 United States District Court  
 District of Kansas

Judge David R. Hansen  
 United States Court of Appeals  
 Eighth Circuit

MDL-1695 *In re Veeco Instruments, Inc. Securities Litigation*  
 June 14, 2005

**DIRECT REPLY TO:**

Michael J. Beck  
 Clerk of the Panel  
 One Columbus Circle, NE  
 Thurgood Marshall Federal  
 Judiciary Building  
 Room G-255, North Lobby  
 Washington, D.C. 20002

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 CLERK'S OFFICE  
 U.S. DISTRICT COURT E.D.N.Y.

NOTICE OF HEARING SESSION ★ JUN 17 2005 ★

Dear Counsel:

**LONG ISLAND OFFICE**

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

**DATE OF HEARING SESSION:** July 28, 2005

**LOCATION OF HEARING SESSION:** Alfred A. Arraj United States Courthouse  
 Judge Babcock's Courtroom, Second Floor  
 901 19th Street  
 Denver, Colorado 80202

**TIME OF HEARING SESSION:** In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **July 11, 2005**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,

*Michael J. Beck*  
 Michael J. Beck  
 Clerk of the Panel

c: Clerk, U.S. District Court for the District of Colorado

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION  
FILED

JUNE 14, 2005

MICHAEL J. BECK  
CLERK OF THE PANEL

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D. LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL**

**HEARING SESSION ORDER**

IT IS ORDERED that on July 28, 2005, a hearing session will be held in Denver, Colorado, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



Wm. Terrell Hodges  
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION  
July 28, 2005 -- Denver, Colorado

**SECTION A**  
**MATTERS DESIGNATED FOR ORAL ARGUMENT**

**MDL-1690 -- In re Indian Tribes Contract Support Costs Litigation**

Motion of plaintiffs Tunica-Biloxi Tribe of Louisiana, et al., for centralization of the following actions in the United States District Court for the District of New Mexico:

**District of District of Columbia**

*Tunica-Biloxi Tribe of Louisiana, et al. v. United States of America, et al.*,  
C.A. No. 1:02-2413

**District of New Mexico**

*Ramah Navajo Chapter v. Manuel Lujan, et al.*, C.A. No. 1:90-957  
*Pueblo of Zuni v. United States of America, et al.*, C.A. No. 1:01-1046

**MDL-1691 -- In re Bextra and Celebrex Products Liability Litigation**

**MDL-1693 -- In re Bextra Marketing and Sales Practices Litigation**

**MDL-1694 -- In re Celebrex Marketing and Sales Practices Litigation**

**MDL-1699 -- In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation**

Motion of plaintiffs Gloria Ward, Carol J. Aiola, and Ronald J. Babin for centralization of certain of the following actions in MDL-1691 in the United States District Court for the Eastern District of Louisiana; motion of plaintiffs Kenneth Kaye, et al., and Irene Bailey, et al., for centralization of certain of the following actions in MDL-1691 in the United States District Court for the District of Connecticut; motion of plaintiff ASEA/AFSCME Local 52 Health Benefits Trust for centralization of certain of the following actions in MDL-1693 in the United States District Court for the Southern District of New York; motion of plaintiffs Health Care for All, et al., for centralization of certain of the following actions in MDL-1694 in the United States District Court for the District of Massachusetts; and motion of plaintiffs Betty A. Alexander, et al., for centralization of the following actions in MDL-1699 in the United States District Court for the Eastern District of Louisiana:

Schedule of Matters for Hearing Session, Section A  
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MDL-1691, 1693, 1694, and 1699 (Continued)

Northern District of Alabama

*Darryl Blue, etc. v. Pfizer, Inc.*, C.A. No. 2:05-464

*Martha Ann Lemond, et al. v. Merck & Co., Inc., et al.*, C.A. No. 7:05-691

District of Arizona

*Dorothy Greaves v. Pfizer, Inc., et al.*, C.A. No. 2:05-647

Central District of California

*John Bolwell, et al. v. Pfizer, Inc.*, C.A. No. 2:05-1967

Northern District of California

*June Swan, et al. v. Pfizer, Inc., et al.*, C.A. No. 3:05-834

District of Connecticut

*Kenneth Kaye, et al. v. Pfizer Inc.*, C.A. No. 3:05-385

*Irene Bailey, et al. v. Pfizer, Inc., et al.*, C.A. No. 3:05-386

District of Delaware

*Ronnie L. Hatcher v. Pfizer, Inc., et al.*, C.A. No. 1:05-208

Northern District of Florida

*Marie McConnell v. Pfizer, Inc.*, C.A. No. 3:05-123

Southern District of Florida

*Aurora Balloveras v. Pfizer, Inc.*, C.A. No. 1:05-20429

Schedule of Matters for Hearing Session, Section A  
Denver, Colorado

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MDL-1691, 1693, 1694, and 1699 (Continued)

Eastern District of Louisiana

*Gloria Ward v. Pfizer, Inc.*, C.A. No. 2:04-3469  
*Elmer E. Creel, Sr., et al. v. Pfizer, Inc.*, C.A. No. 2:04-3470  
*Carol J. Aiola v. Pfizer, Inc.*, C.A. No. 2:05-1207  
*Ronald J. Babin v. Pfizer, Inc.*, C.A. No. 2:05-1208  
*Deborah Ann Woodberry v. Pfizer, Inc.*, C.A. No. 2:05-1350  
*Terry Bridges v. Pfizer, Inc.*, C.A. No. 2:05-1353  
*George Hoffman v. Pfizer, Inc.*, C.A. No. 2:05-1354  
*Helen Anne Todini v. Pfizer, Inc.*, C.A. No. 2:05-1367  
*Betty A. Alexander, et al. v. Pfizer, Inc.*, C.A. No. 2:05-1720

Middle District of Louisiana

*Ronald W. Abel, etc. v. Pfizer, Inc.*, C.A. No. 3:05-258

Western District of Louisiana

*William Doss Turner v. Pfizer, Inc.*, C.A. No. 1:05-619  
*Yvonne Clark v. Pfizer, Inc.*, C.A. No. 1:05-620

District of Massachusetts

*Health Care for All, et al. v. Pfizer, Inc., et al.*, C.A. No. 1:05-10707

Eastern District of Michigan

*Linda A. Watters, et al. v. Pfizer, Inc., et al.*, C.A. No. 2:05-71434

District of Minnesota

*Loretta M. Harris v. Pfizer, Inc.*, C.A. No. 0:05-728

Eastern District of New York

*Melissa Kelly, et al. v. Pfizer, Inc.*, C.A. No. 1:05-949

Schedule of Matters for Hearing Session, Section A  
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MDL-1691, 1693, 1694, and 1699 (Continued)

Southern District of New York

*ASEA/AFSCME Local 52 Health Benefits Trust v. Pfizer, Inc., et al.*,  
C.A. No. 1:05-3803

*Steamfitters' Industry Welfare Fund, et al. v. Pfizer, Inc., et al.*, C.A. No. 1:05-3814  
*Sheet Metal Workers' International Assn. v. Pfizer, Inc., et al.*, C.A. No. 1:05-4125

Northern District of Ohio

*Theresa Blatnik, et al. v. Pfizer, Inc.*, C.A. No. 1:05-900

Northern District of Texas

*James Booker v. Merck & Co., Inc., et al.*, C.A. No. 3:05-496

Southern District of Texas

*Ronald L. Baker, et al. v. Pfizer, Inc.*, C.A. No. 3:05-206

MDL-1692 -- In re Norvir Antitrust Litigation

Motion of plaintiff Gary Schor for centralization of the following actions in the United States District Court for the Northern District of Illinois or, in the alternative, the United States District Court for the Northern District of California:

Northern District of California

*John Doe I, et al. v. Abbott Laboratories*, C.A. No. 4:04-1511  
*Service Employees International Union Health & Welfare Fund v. Abbott Laboratories*,  
C.A. No. 4:04-4203

Northern District of Illinois

*Gary Schor v. Abbott Laboratories*, C.A. No. 1:05-1592

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MDL-1695 -- In re Veeco Instruments Inc. Securities Litigation

Motion of defendants Veeco Instruments Inc.; Edward H. Braun; and John F. Rein, Jr., for centralization of the following actions in the United States District Court for the Southern District of New York:

Eastern District of New York

*Andrew McIntosh v. Veeco Instruments Inc., et al.*, C.A. No. 2:05-889  
*Barry Linzer v. Veeco Instruments Inc., et al.*, C.A. No. 2:05-957  
*Bruce Kantor v. Veeco Instruments Inc., et al.*, C.A. No. 2:05-967  
*George Walker v. Veeco Instruments Inc., et al.*, C.A. No. 2:05-1003  
*Philip G. Collins v. Veeco Instruments Inc., et al.*, C.A. No. 2:05-1277  
*Servaas Holthuizen v. Veeco Instruments Inc., et al.*, C.A. No. 2:05-1337  
*Gerald J. Vogt, et al. v. Veeco Instruments Inc., et al.*, C.A. No. 2:05-1430  
*Timothy Joe Grove v. Veeco Instruments Inc., et al.*, C.A. No. 2:05-1552

Southern District of New York

*L.I.S.T., Inc. v. Veeco Instruments Inc., et al.*, C.A. No. 7:05-2189  
*Roy P. Kershaw v. Veeco Instruments Inc., et al.*, C.A. No. 7:05-2929

MDL-1696 -- In re Sierra Wireless, Inc. Securities Litigation

Motion of plaintiff Jonathan Epstein for centralization of the following actions in the United States District Court for the Southern District of New York:

Southern District of California

*W. Robert Goodman v. Sierra Wireless, Inc., et al.*, C.A. No. 3:05-262  
*Milton A. Karetas v. Sierra Wireless, Inc., et al.*, C.A. No. 3:05-270

Southern District of New York

*J. John Lawler v. David B. Sutcliffe, et al.*, C.A. No. 1:05-1299  
*Gail Beach v. Sierra Wireless, Inc., et al.*, C.A. No. 1:05-1797  
*Jonathan Epstein v. Sierra Wireless, Inc., et al.*, C.A. No. 1:05-1924

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MDL-1696 (Continued)

Southern District of New York (Continued)

*Candido M. Rodrigues v. Sierra Wireless, Inc., et al.*, C.A. No. 1:05-1925  
*Kenneth Bender v. David B. Sutcliffe, et al.*, C.A. No. 1:05-2304  
*Frederick A. Nuttall v. Sierra Wireless, Inc., et al.*, C.A. No. 1:05-2378  
*Jonathan B. Rodnon v. David B. Sutcliffe, et al.*, C.A. No. 1:05-3029

MDL-1697 -- In re Air Crash Near Yarmouth, Massachusetts, on August 26, 2003

Motion of Colgan Air, Inc., for centralization of the following actions in the United States District Court for the Eastern District of Virginia:

District of Massachusetts

*Yisel Dean, etc. v. Raytheon Co., et al.*, C.A. No. 1:05-10155  
*Lisa A. Weiler, etc. v. Raytheon Co., et al.*, C.A. No. 1:05-10364

Eastern District of Virginia

*Colgan Air, Inc. v. Raytheon Aircraft Co.*, C.A. No. 1:05-213

MDL-1698 -- In re American General Life & Accident Insurance Co. Retiree Benefits "ERISA" Litigation

Motion of defendant American General Life & Accident Insurance Company for centralization of the following actions in the United States District Court for the District of South Carolina:

Northern District of Alabama

*Donnie Pope, et al. v. American General Life & Accident Insurance Co.*,  
C.A. No. 7:05-109

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MDL-1698 (Continued)

Middle District of Florida

*Eleanor M. Acres, et al. v. American General Life & Accident Insurance Co.,*  
C.A. No. 3:04-1274

*June Appling, et al. v. American General Life & Accident Insurance Co.,*  
C.A. No. 3:05-258

Southern District of Georgia

*Herschel A. Adair, et al. v. American General Life & Accident Insurance Co.,*  
C.A. No. 1:04-192

*Paul A. Flanigan v. American General Life & Accident Insurance Co.,* C.A. No. 1:05-51

District of South Carolina

*Raymond L. Addison, et al. v. American General Life & Accident Insurance Co.,*  
C.A. No. 3:04-23427

Middle District of Tennessee

*Rolly Edward Thompson, et al. v. American General Life & Accident Insurance Co.,*  
C.A. No. 3:05-228

MDL-1700 -- In re FedEx Ground Package System, Inc., Employment Practices Litigation  
(No. II)

Motion of defendant FedEx Ground Package System, Inc., for centralization of the following actions in the United States District Court for the Western District of Pennsylvania:

Northern District of California

*Dean Alexander, et al. v. FedEx Ground Package System, Inc., et al.,* C.A. No. 3:05-38

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MDL-1700 (Continued)

Northern District of Illinois

*Michael Griffin, et al. v. FedEx Corp., et al.*, C.A. No. 1:05-2326

District of Kansas

*Carlene M. Craig, et al. v. FedEx Ground Package System, Inc.*, C.A. No. 5:03-4197

District of Massachusetts

*Edward Sheehan, et al. v. FedEx Corp., et al.*, C.A. No. 1:05-10936

Eastern District of Michigan

*James Lester, et al. v. Federal Express Corp., et al.*, C.A. No. 1:04-10055

District of Minnesota

*Katrina Lee, et al. v. FedEx Corp., et al.*, C.A. No. 0:05-814

District of New Hampshire

*Robert Gennell, Jr., et al. v. FedEx Corp., et al.*, C.A. No. 1:05-145

District of New Jersey

*Jessie Capers, et al. v. FedEx Ground, et al.*, C.A. No. 2:02-5352

*Michael B. Kilmartin v. Federal Express, Inc., et al.*, C.A. No. 3:05-2028

Eastern District of New York

*Curtis Johnson, et al. v. FedEx Home Delivery, et al.*, C.A. No. 1:04-4935

Southern District of New York

*Larry Louzau, et al. v. FedEx Ground Package System, Inc.*, C.A. No. 1:04-9795

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MDL-1700 (Continued)

District of South Dakota

*Kimberly A. Bunger, et al. v. FedEx Ground Package System, Inc., et al.*,  
C.A. No. 4:05-4056

Western District of Texas

*John Humphreys, et al. v. Federal Express Corp., et al.*, C.A. No. 1:05-155

Eastern District of Virginia

*Bradley D. Gregory v. FedEx Corp., et al.*, C.A. No. 2:03-479

Western District of Washington

*Randy Anfinson, et al. v. FedEx Ground Package System, Inc., et al.*, C.A. No. 2:05-119

MDL-1701 -- In re Sumatriptan Succinate Patent Litigation

Motion of plaintiff Glaxo Group, Ltd., for centralization of the following actions in the United States District Court for the Southern District of New York:

District of Delaware

*Glaxo Group, Ltd. v. Spectrum Pharmaceuticals, Inc.*, C.A. No. 1:05-99

Southern District of New York

*Glaxo Group, Ltd. v. Dr. Reddy's Laboratories, Ltd., et al.*, C.A. No. 1:03-10260  
*Glaxo Group, Ltd. v. Cobalt Pharmaceuticals, Inc.*, C.A. No. 1:04-9886

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MDL-1702 -- In re Air Crash Near Kirksville, Missouri, on October 19, 2004

Motion of plaintiffs Jeffrey T. Diffenderfer, et al., for centralization of the following actions in the United States District Court for the Eastern District of Missouri:

Eastern District of Missouri

*Everest National Insurance Co. v. Corporate Airlines, Inc.*, C.A. No. 4:05-60  
*Jeffrey T. Diffenderfer, et al. v. Corporate Airlines, Inc., et al.*, C.A. No. 4:05-191  
*A.D.M., et al. v. Corporate Airlines, Inc., et al.*, C.A. No. 4:05-245  
*Susanne Wandel, etc. v. American Airlines, Inc., et al.*, C.A. No. 4:05-370  
*Mary E. Sarantino, etc. v. American Airlines, Inc., et al.*, C.A. No. 4:05-445  
*Diane Varidin, et al. v. American Airlines, Inc., et al.*, C.A. No. 4:05-555  
*John E. Krogh, et al. v. Corporate Airlines, Inc., et al.*, C.A. No. 4:05-729  
*E.M.W., et al. v. Corporate Airlines, Inc., et al.*, C.A. No. 4:05-730

Northern District of Texas

*Karlene Ator, etc. v. American Airlines, Inc., et al.*, C.A. No. 3:05-159  
*Alicia Talley, etc. v. American Airlines, Inc., et al.*, C.A. No. 3:05-160

MDL-1703 -- In re Sears, Roebuck & Co. Tools Marketing and Sales Practices Litigation

Motion of defendant Sears, Roebuck & Co., for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Central District of California

*Guillermo Garcia Santamarina v. Sears, Roebuck & Co.*, C.A. No. 2:05-3039

Southern District of Florida

*Jeffrey Greenfield v. Sears, Roebuck & Co.*, C.A. No. 1:05-21297

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MDL-1703 (Continued)

Northern District of Illinois

*Larry Steven Anderson, Jr., et al. v. Sears, Roebuck & Co.*, C.A. No. 1:05-2623

*Tammy Cyr v. Sears, Roebuck & Co.*, C.A. No. 1:05-2627

*Charles Chatham v. Sears, Roebuck & Co.*, C.A. No. 1:05-2852

Eastern District of Missouri

*Tracy Hutson v. Sears, Roebuck & Co.*, C.A. No. 4:05-760

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**SECTION B**  
**MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT**

**MDL-875 -- In re Asbestos Products Liability Litigation (No. VI)**

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

**Middle District of Louisiana**

*William D. Hammons v. AMEC Construction Management, Inc., et al.*,  
C.A. No. 3:04-855

**District of Maryland**

*Leroy Jackson v. John Crane-Houdaille, Inc., et al.*, C.A. No. 1:05-649

**District of New Mexico**

*Sinforosa Apodaca, et al. v. Zia Co., et al.*, C.A. No. 6:05-182

**Southern District of New York**

*Samuel P. Smith v. General Electric Co.*, C.A. No. 1:04-10102  
*James Bernhardt, et al. v. General Electric Co.*, C.A. No. 1:04-10103

**Western District of Pennsylvania**

*Charles Simikian v. Pneumo Abex, LLC, et al.*, C.A. No. 2:05-229

**Western District of Texas**

*Kathy D. Sartalamacchia, et al. v. Alcoa, Inc.*, C.A. No. 6:05-90

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MDL-1200 -- In re Flat Glass Antitrust Litigation

Opposition of defendant AFG Industries, Inc., to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the District of Oregon:

Western District of Pennsylvania

*JELD-WEN, Inc., et al. v. Asahi Glass Co., Ltd., et al.*, C.A. No. 2:99-875 (D. Oregon, C.A. No. 3:99-351)

MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation

Oppositions of plaintiffs to transfer of their respective actions, listed on Attachment A, to the United States District Court for the Eastern District of Pennsylvania.

MDL-1358 -- In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

Opposition of plaintiffs Edith Quick, et al., to transfer of the following action to the United States District Court for the Southern District of New York:

Central District of Illinois

*Edith Quick, et al. v. Shell Oil Co., et al.*, C.A. No. 2:05-2072

MDL-1379 -- In re Literary Works in Electronic Databases Copyright Litigation

Opposition of plaintiff Edward Roeder to transfer of the following action to the United States District Court for the Southern District of New York:

District of Columbia

*Edward Roeder v. Tribune Co., Inc., et al.*, C.A. No. 1:04-1818

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MDL-1405 -- In re California Wholesale Electricity Antitrust Litigation

Opposition of plaintiff Preferred Energy Services, Inc., to transfer of the following action to the United States District Court for the Southern District of California:

Northern District of California

*Preferred Energy Services, Inc. v. Reliant Energy Services, Inc., et al.,*  
C.A. No. 5:05-1435

MDL-1431 -- In re Baycol Products Liability Litigation

Opposition of plaintiff Linda Baker, etc., to transfer of the following action to the United States District Court for the District of Minnesota:

Southern District of Alabama

*Linda Baker, etc. v. Bayer AG, et al.,* C.A. No. 1:03-687

MDL-1446 -- In re Enron Corp. Securities, Derivative & "ERISA" Litigation

Opposition of plaintiffs Lon Wilkens, et al., to transfer of the following action to the United States District Court for the Southern District of Texas:

Eastern District of Missouri

*Lon Wilkens, et al. v. Merrill Lynch & Co., Inc., et al.,* C.A. No. 4:05-529

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MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

Opposition of plaintiff County of Erie to transfer of the following action to the United States District Court for the District of Massachusetts:

Western District of New York

*County of Erie v. Abbott Laboratories, Inc., et al.*, C.A. No. 6:05-6203

MDL-1486 -- In re Dynamic Random Access Memory (DRAM) Antitrust Litigation

Oppositions of plaintiffs John McKinnon, et al.; Thomas K. Maher; and Shelly Smith, et al., to transfer of their respective following actions to the United States District Court for the Northern District of California:

District of Maine

*John McKinnon, et al. v. Micron Technology, Inc., et al.*, C.A. No. 2:05-74

Middle District of North Carolina

*Thomas K. Maher v. Elpida Memory, Inc., et al.*, C.A. No. 1:05-225

District of Vermont

*Shelly Smith, et al. v. Micron Technology, Inc., et al.*, C.A. No. 2:05-99

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MDL-1507 -- In re Prempro Products Liability Litigation

Oppositions of plaintiffs Irene Anderson, et al.; Kathi Porter, et al.; Grigorina Nikolchev, et al.; Karen Towle; Carol Schoenberg; and Carolyn Green to transfer of their respective following actions to the United States District Court for the Eastern District of Arkansas:

Northern District of California

*Irene Anderson, et al. v. Wyeth Pharmaceuticals, Inc., et al.*, C.A. No. 3:05-612  
*Kathi Porter, et al. v. Wyeth Pharmaceuticals, Inc., et al.*, C.A. No. 3:05-613  
*Grigorina Nikolchev, et al. v. Wyeth Pharmaceuticals, Inc., et al.*, C.A. No. 4:05-611  
*Karen Towle v. Wyeth Pharmaceuticals, Inc., et al.*, C.A. No. 4:05-614  
*Carol Schoenberg v. Wyeth Pharmaceuticals, Inc., et al.*, C.A. No. 4:05-615

Southern District of Mississippi

*Carolyn Green v. Wyeth, Inc., et al.*, C.A. No. 3:04-877

MDL-1566 -- In re Western States Wholesale Natural Gas Antitrust Litigation

Motion of defendants Reliant Energy Services, Inc.; Dynegy Marketing & Trade; The Williams Power Company, Inc.; CMS Marketing Services & Trading Company; Duke Energy Trading & Marketing, LLC; and AEP Energy Services, Inc., for transfer of the following action to the United States District Court for the District of Nevada:

Western District of Tennessee

*Samuel D. Leggett, et al. v. Duke Energy Corp., et al.*, C.A. No. 2:05-2177

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MDL-1586 -- In re Mutual Funds Investment Litigation

Oppositions of plaintiffs Barbara R. Anding, Dean Delaventura, and Brian Reaves to transfer of their respective following actions to the United States District Court for the District of Maryland:

Eastern District of Arkansas

*Barbara R. Anding v. Bank of America Corp., et al.*, C.A. No. 4:05-525

District of Massachusetts

*Dean Delaventura v. Columbus Acorn Trust, et al.*, C.A. No. 1:05-10793  
*Brian Reaves v. MFS Series Trust I, et al.*, C.A. No. 1:05-10804

MDL-1596 -- In re Zyprexa Products Liability Litigation

Oppositions of plaintiffs Nancy Sires and Connie Brown, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of New York:

Eastern District of Kentucky

*Nancy Sires v. Eli Lilly & Co., et al.*, C.A. No. 5:05-117

Northern District of Texas

*Connie Brown, et al. v. Eli Lilly & Co., et al.*, C.A. No. 4:05-215

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MDL-1604 -- In re Ocwen Federal Bank FSB Mortgage Servicing Litigation

Oppositions of plaintiffs Robert Harris, et al.; Wilfred Hinton; Albert Telfer; Sandra Sinegal; and Jeff Watson, et al., to transfer of their respective following actions to the United States District Court for the Northern District of Illinois:

Middle District of Alabama

*Robert Harris, et al. v. Ocwen Federal Bank, FSB*, C.A. No. 3:05-254

Northern District of Alabama

*Wilfred Hinton v. Ocwen Federal Bank, FSB, et al.*, C.A. No. 2:05-689

Central District of California

*Albert Telfer v. Moss, Codilis, Stawiarski, Morris, Schneider & Prior, LLP, et al.*,  
C.A. No. 5:05-138

Eastern District of Texas

*Sandra Sinegal v. Ocwen Federal Bank, FSB, et al.*, C.A. No. 1:05-246

Southern District of Texas

*Jeff Watson, et al. v. Ocwen Federal Bank, FSB*, C.A. No. 4:05-924

MDL-1629 -- In re Neurontin Marketing, Sales Practices and Products Liability Litigation

Oppositions of plaintiffs Ellen DeRosa and Mary Hansen to transfer of their respective following actions to the United States District Court for the District of Massachusetts:

District of New Hampshire

*Ellen DeRosa v. Pfizer, Inc., et al.*, C.A. No. 1:05-116

District of Vermont

*Mary Hansen v. Pfizer, Inc., et al.*, C.A. No. 1:05-100

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MDL-1631 -- In re Publication Paper Antitrust Litigation

Oppositions of plaintiffs Jorine Lowry; Beth Mahoney; and Shelly Smith, et al., to transfer of their respective following actions to the United States District Court for the District of Connecticut:

District of Maine

*Jorine Lowry v. International Paper Co., et al.*, C.A. No. 2:05-63

District of New Hampshire

*Beth Mahoney v. International Paper Co., et al.*, C.A. No. 1:05-120

District of Vermont

*Shelly Smith, et al. v. International Paper Co., et al.*, C.A. No. 2:05-93

MDL-1657 -- In re Vioxx Products Liability Litigation

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Eastern District of California

*Leonard Lagden v. Merck & Co., Inc., et al.*, C.A. No. 2:05-656

Northern District of California

*Vick Kargodian v. Merck & Co., Inc., et al.*, C.A. No. 3:05-937

*Nora Olson, et al. v. Merck & Co., Inc., et al.*, C.A. No. 3:05-1256

Southern District of California

*Robert V. Purcell v. Merck & Co., Inc., et al.*, C.A. No. 3:05-443

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MDL-1657 (Continued)

District of Connecticut

*JoAnn Malek v. Eric Rosenberg, M.D., et al., C.A. No. 3:05-543*

Middle District of Florida

*Migna Serrano, et al. v. Merck & Co., Inc., et al., C.A. No. 6:05-170*

*Conchita Merced-Torres, et al. v. Merck & Co., Inc., et al., C.A. No. 6:05-449*

*Samuel Diaz, et al. v. Merck & Co., Inc., et al., C.A. No. 6:05-472*

*Wayne Vigil, et al. v. Merck & Co., Inc., et al., C.A. No. 8:05-223*

Southern District of Illinois

*Helen Wood v. Merck & Co., Inc., et al., C.A. No. 3:05-168*

Eastern District of Missouri

*Curt Meng, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-194*

*Ronald Colbert, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-195*

*Carver Black, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-297*

*John Hodges, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-302*

*Renee Lockett, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-304*

*LeJuana Young, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-309*

*Kathryn Pueser, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-430*

*Chris Piechoinski, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-431*

*Lorraine Phillip, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-433*

*Barbara O'Bannon, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-434*

*Mary Miles, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-435*

*Jeffrey McDaniel, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-436*

*Louise McCarter, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-437*

*Norma Hubbard, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-438*

*Delores Holmes, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-439*

*Terry Frame, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-440*

*Jane Cavins, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-441*

*Charlesetta Butler, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-442*

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MDL-1657 (Continued)

Northern District of Ohio

*Kimberly Kaiser, et al. v. Merck & Co., Inc.*, C.A. No. 1:05-776

Western District of Pennsylvania

*Mary Ellen Magnifico v. Merck & Co., Inc.*, C.A. No. 2:05-386

Northern District of Texas

*James Booker v. Merck & Co., Inc., et al.*, C.A. No. 3:05-496

Northern District of West Virginia

*William David Lough, et al. v. Merck & Co., Inc., et al.*, C.A. No. 5:05-34

MDL-1663 -- In re Insurance Brokerage Antitrust Litigation

Oppositions of plaintiff KLLM, Inc., plaintiff Signum, LLC, defendant CV Starr & Company, and defendant Insurance Company of the State of Pennsylvania to transfer of their respective following actions to the United States District Court for the District of New Jersey:

Southern District of Mississippi

*KLLM, Inc. v. Marsh USA, Inc., et al.*, C.A. No. 3:04-893

District of South Carolina

*Signum, LLC v. AON Corp., et al.*, C.A. No. 4:05-528

**ATTACHMENT A TO THE JULY 28, 2005  
SCHEDULE OF MATTERS FOR HEARING**

**MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability  
Litigation**

**Central District of California**

*Susan R. Burrows, et al. v. American Home Products Corp., et al., C.A. No. 2:04-5304*  
*Inga M. Hughes, et al. v. American Home Products Corp., et al., C.A. No. 2:04-5316*  
*Kathleen Koman-Fahey v. American Home Products Corp., et al., C.A. No. 2:04-5317*  
*Marilyn D. Evans, et al. v. American Home Products Corp., et al., C.A. No. 2:04-5318*  
*Sheila Briggs, et al. v. American Home Products Corp., et al., C.A. No. 2:04-7470*  
*Erma R. Boone, et al. v. American Home Products Corp., et al., C.A. No. 2:04-7474*  
*Claudia J. Bolding v. American Home Products Corp., et al., C.A. No. 2:04-7475*  
*Debra A. Brock v. American Home Products Corp., et al., C.A. No. 2:04-7480*  
*Elizabeth T. Kramer-Manter, et al. v. American Home Products Corp., et al.,*  
*C.A. No. 2:04-7638*  
*Carol Lenz, et al. v. American Home Products Corp., et al., C.A. No. 2:04-7640*  
*Sharon E. Little v. American Home Products Corp., et al., C.A. No. 2:04-7641*  
*Maria L. Lopez v. American Home Products Corp., et al., C.A. No. 2:04-7642*  
*Jesse M. Logan, Jr. v. American Home Products Corp., et al., C.A. No. 2:04-7643*  
*Deborah A. St. Amand, et al. v. American Home Products Corp., et al., C.A. No. 2:04-8056*  
*Cynthia Y. Vaporis-Martinez, et al. v. American Home Products Corp., et al.,*  
*C.A. No. 2:04-9709*  
*Betty Barton v. American Home Products Corp., et al., C.A. No. 2:05-139*  
*Carolyn J. Clammer, et al. v. American Home Products Corp., et al., C.A. No. 2:05-140*  
*Rufino Santiago, et al. v. American Home Products Corp., et al., C.A. No. 2:05-1238*  
*Deborah Bain v. American Home Products Corp., et al., C.A. No. 2:05-1239*

**Northern District of Georgia**

*Frances Humphrey, et al. v. Wyeth, Inc., et al., C.A. No. 1:04-1566*

**Southern District of Mississippi**

*Sheryl Lynne Renfroe v. Wyeth, Inc., C.A. No. 3:04-717*

**MDL-1203 Attachment A (Continued)**

Southern District of New York

*Milagros Luis v. American Home Products Corp., et al.*, C.A. No. 1:03-8290

*Rosolyn J. Liebman-Rube, et al. v. American Home Products Corp., et al.*, C.A. No. 1:03-8291

*Eva Sirna, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-5487

Southern District of Texas

*Joe A. Munoz v. Wyeth*, C.A. No. 4:03-4558

*Kymberly A. Broyles v. Wyeth, et al.*, C.A. No. 4:03-4734

*Rebecca S. Johnson v. Wyeth*, C.A. No. 4:03-4809

*Sandra Autrey-Karnes v. Wyeth, et al.*, C.A. No. 4:03-4814

*Sophronia G. Bourgeois v. Wyeth*, C.A. No. 4:03-4817

*Kimberly J. Bounds v. Wyeth*, C.A. No. 4:03-4818

*Sherry Bess v. Wyeth*, C.A. No. 4:03-4819

*Shauna L. Stelse v. Wyeth*, C.A. No. 4:03-4820

*Ethel L. Gardley v. Wyeth, et al.*, C.A. No. 4:03-4821

*Germania D. Sitomer v. Wyeth*, C.A. No. 4:03-4824

*John D. Bruderor v. Wyeth*, C.A. No. 4:03-4825

*Evelyn J. Vela v. Wyeth*, C.A. No. 4:03-4826

*Steve W. Siebeneicher v. Wyeth, et al.*, C.A. No. 4:03-4828

*Myra C. Leslie v. Wyeth, et al.*, C.A. No. 4:03-4830

*Janice L. Hall v. Wyeth*, C.A. No. 4:03-4832

*Wanda G. Robinson v. Wyeth*, C.A. No. 4:03-4835

*Ginger S. Glass v. Wyeth, et al.*, C.A. No. 4:03-4836

*Ruby M. Howard v. Wyeth*, C.A. No. 4:03-4839

*Nikkole R. Kettle v. Wyeth*, C.A. No. 4:03-4846

*Jami L. Hain v. Wyeth, et al.*, C.A. No. 4:03-4848

*Christina R. Buck v. Wyeth, et al.*, C.A. No. 4:03-4849

*Martha V. Ruiz v. Wyeth*, C.A. No. 4:03-4851

*Barbara L. Hirsch v. Wyeth*, C.A. No. 4:03-4852

*Brenda K. Stewart v. Wyeth*, C.A. No. 4:03-4853

*Mary L. Thomas v. Wyeth*, C.A. No. 4:03-4854

*Olga Castro v. Wyeth, et al.*, C.A. No. 4:03-4904

*Glenda J. Schochler v. Wyeth, et al.*, C.A. No. 4:03-4905

*Susan L. Rivas v. Wyeth*, C.A. No. 4:03-4907

*Melanie A. Gray v. Wyeth*, C.A. No. 4:03-4908

**MDL-1203 Attachment A (Continued)**

**Southern District of Texas (Continued)**

*Belinda P. McAdams v. Wyeth*, C.A. No. 4:03-4909  
*Eleanor L. Baker v. Wyeth*, C.A. No. 4:03-4911  
*Tory R. Khaleq v. Wyeth, et al.*, C.A. No. 4:03-4914  
*Peggy S. Hudson v. Wyeth, et al.*, C.A. No. 4:03-4915  
*Patricia L. Green v. Wyeth, et al.*, C.A. No. 4:03-4917  
*Belle L. Gwaltney v. Wyeth*, C.A. No. 4:03-4918  
*Jodie M. Nanni v. Wyeth*, C.A. No. 4:03-4919  
*Wanda K. Ratliff v. Wyeth*, C.A. No. 4:03-4920  
*Connie D. Bale v. Wyeth, et al.*, C.A. No. 4:03-4921  
*Joyce E. Lewis v. Wyeth*, C.A. No. 4:03-4922  
*Rea Jane Halter v. Wyeth, et al.*, C.A. No. 4:03-4924  
*Deborah K. Roberts v. Wyeth, et al.*, C.A. No. 4:03-4926  
*Frank Vollaro v. Wyeth, et al.*, C.A. No. 4:03-4928  
*Donna C. Rodgers v. Wyeth*, C.A. No. 4:03-4931  
*Phyllis A. Thompson v. Wyeth*, C.A. No. 4:03-4940  
*Shelly Hourani, et al. v. Wyeth*, C.A. No. 4:04-277

## PROCEDURES FOR ORAL ARGUMENT BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re "East of the Rockies" Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

**RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT**

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned "Reasons Why Oral Argument Should [Need Not] Be Heard," and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

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(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.